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U.S. DISTRICT &
BANKRUPTCY COURTS

2004 APR -2 A 7 14

FILED DELETED IDAHO
CAMERON S BURKE, CLERK

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

In Re:

GERALD & ONA LINDSEY,

Debtors.

Case No. 03-21652

**MOTION TO EXTEND TIME FOR
HEARING ON MOTION TO
SHORTEN TIME, SECOND
MOTION TO AMEND
VOLUNTARY PETITION,
MOTION FOR TURNOVER OF
PROPERTY AND TRUSTEE'S
MOTION FOR TURNOVER OF
MAIL**

COMES NOW James E. Siebe specially appearing to represent Searchlight, an irrevocable trust, originally domiciled in Harney County, Burns, Oregon, whose successor trustees are Mike Ioane and Glen Halliday, who are California and Nevada residents, respectively, Mountain Property Management and Trust Company, National Holding Trust, Equitable Financial Services, River Mountain Ranch, Nevak Mining Ltd., Mud Creek Mining Inc., and Candle Mining Co., other entities in which Searchlight has a financial or interest as an affiliate, jointly requesting that the combined motions of the Trustee to shorten time, to amend petition, to turnover

MOTION TO EXTEND TIME - 1

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property and to turnover mail now set for video hearing on April 6, 2004 at 10:00 a.m. Mountain Standard Time at the U.S. Federal Courthouse, 220 E. 5th Street, Moscow, Idaho be postponed and the time extended at least thirty (30) days. Undersigned counsel expects to associate Searchlight counsel, Robert Kovacevich, Esq. of Spokane Washington, *pro hac vice* on or before April 6th, 2004.

THIS MOTION is based on the following grounds:

1. The Debtor's attorney, Brit D. Groom, has been contacted and does not object to an extension.
2. The Trustee's office has been contacted and the undersigned understands that said Trustee may object to this motion if Searchlight and its principals are unwilling to agree to accept service of documents through counsel.
3. Robert Kovacevich has interviewed managing agent Julie Fowler extensively, reviewed a number of supporting documents provided to him by her, and as a result of said representations, on information and belief, asserts the following:
4. That the entities, and especially Searchlight, are valid legal entities validly formed and properly administered have filed all

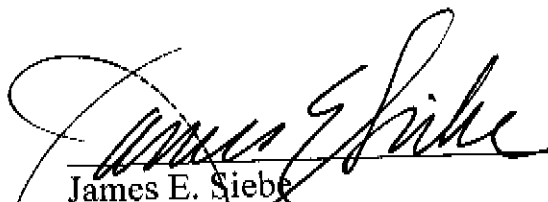
applicable state and federal trust tax returns, have complied with industrial insurance filings, have employer ID numbers and have proper and complete accounting records;

5. That the entities have no assets belonging to the Debtors;
6. That the Searchlight Trust is a valid business formed on March 30, 1994, in Oregon. It provides in its Article IX that the Debtors permanently relinquish all dominion and control over the property transferred. At the time of formation, the Debtors were fully solvent and made transfers only to facilitate estate planning, a proper reason to form an irrevocable trust;
7. That the beneficial owners of the trust since 1994 are children, all adults, of the Debtors;
8. That the trustees of the Trust are professional trustees who are not related in any manner, whether blood marriage, or business endeavors to Debtors or any of Debtor's children;
9. That Debtors do not have title to any property held by the Trustee;
10. That Debtors have no control of any kind of the trust named herein;

11. That all books and records of the Trust are accurate and complete and not commingled in any way with Debtors;
12. That Debtors have no signature authority over any of the bank accounts of the trusts;
13. That Debtors, since 1994, have transferred no assets to the Trust without value received;
14. That the Searchlight Trust allows Debtors use of a home of the trust in exchange for caretaking and security safeguards of property of the trusts; and
15. That when the trusts have full and fair opportunity to carefully present substantial evidence to this Court, the proof will clearly indicate careful estate planning, faithful adherence to trust administration requirements and no interest, control or alter ego existence by the Debtors.

WHEREFORE, the attorney for the Trust requests that the pending motion be postponed until the attorneys for the trusts have sufficient time to prepare an orderly presentation to the Court.

DATED this 2 day of April, 2004.


James E. Siebe
Attorney for the Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of April, 2004, I served a true and correct copy of the foregoing document by the method indicated, and addressed to the following:

Ford Elsaesser
Chapter 7 Trustee
PO Box 2220
Sandpoint, ID 83864

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

U.S. Trustee
304 N 8th St, Room 347
Boise, ID 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Brit D. Groom
Attorney at Law
PO Box 218
Grangeville, ID 83530

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Gerald & Ona Lindsey
HC01 Box 109A
White Bird, ID 83554

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Warren Derbidge
U.S. Attorney's Office

☒ U.S. Mail
☐ Hand Delivered

877 W Main, Ste 201
Boise, ID 83702

☐ Overnight Mail
☐ Facsimile

Sheila R. Schwager
Hawley Troxell
PO Box 1617
Boise, ID 83701-1617

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☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Mountain Property Management
and Trust Company
HC01 Box 109B
White Bird, ID 83554

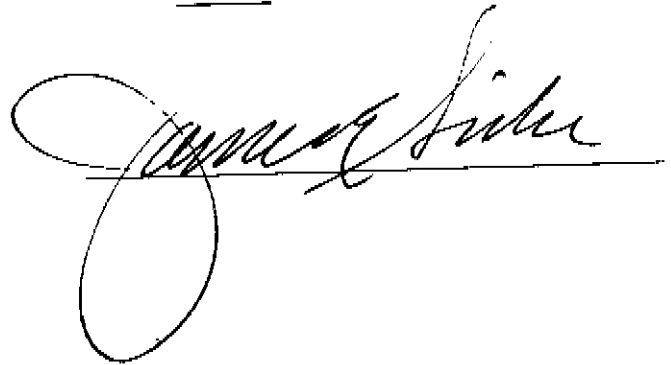
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☐ Facsimile

National Holding Trust
HC01 Box 109B
White Bird, ID 83554

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☐ Facsimile

Equitable Financial Services
HC01 Box 109B
White Bird, ID 83554

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☐ Overnight Mail
☐ Facsimile

A handwritten signature in cursive script, reading "James E. Linder", is written over a horizontal line.